UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,887	02/04/2004	Thor Itt Chiam	FLEX-00300	5368

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EXAMINER
DESIR, PIERRE LOUIS

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
04/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/772,887	CHIAM ET AL.
	Examiner	Art Unit	
	PIERRE-LOUIS DESIR	2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

       Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

       NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-17 and 23-31*.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

    See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Dwayne D. Bost/
Supervisory Patent Examiner, Art Unit 2617

/PIERRE-LOUIS DESIR/
Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because: Applicants argue on page 10 of the remarks that Jeoung does not teach that the user is able to toggle between hot keys to view sub-menu items.

Examiner respectfully disagrees. In response, nowhere in the claim's language is there a disclosure of "toggling" between hot keys to view sub-menu. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, applicants state (page 10 of the remarks) that within the Response to Arguments section of the Office Action, it is stated that the applicants' arguments regarding the "idle and non-idle state of the communication device"disclosed by the cited reference is irrelevant. Applicants state their disagreement with that statement.

The relevancy of the reference is based on the accurate response to whether the cited reference reads on the claim as written. As written, there is no mention in the claim of idle or non-idle's language. And, since examiner is allowed to broadly interpret the claims, within reason, and since the cited reference does read on the claims as written and as interpreted, the claims were read correctly.

Applicants further argue that Jeoung does not teach viewing a submenu directly from another sub-menu by a single access of the two dimensional navigation key.

Examiner respectfully disagrees.

Also, it should be noted that in responding to the above arguments, examiner will address applicants' statement of "nowhere does Jeoung teach that a hot key can be activated in the non-idle state."

It is not relevant in which state the hot key can be activated, since applicants are not claiming any particular state to activate a key. If it was so, i.e., if the claim's language was specific that the navigation key's activation has to take place in a non-idle state, applicants' arguments may have been persuasive. Therefore, applicants' arguments are found to be moot because of the lack of such disclosure in the claims' language.

As described in the previous Action, Jeoung discloses a communication device wherein main menu and submenu items can be selected. Furthermore, in paragraph 26, Jeoung discloses that in the idle state, if the user presses the up key, for instance, the mobile phone executes the function that is assigned to the Up key. And the down key is assigned to multiple functions, if the user presses the down key during the idle state, the mobile phone displays all the menu items linked thereto so that the user may select one of them.

From the preceding statement, one skill in the art would appreciate the importance of what action takes place when the UP key is assigned to a function, a pressing of the up key executes the assigned function. In that stated case, there is no rest state or need for a focus point since the execution of the function depends solely on the pressing of the UP key. In the abstract and paragraphs 20-26, it is disclosed navigation keys to generate key data are included in a key input. The navigation keys are used as the hot keys that are predefined by a user to initiate desired functions. A plurality of main menu items in the ht key defining mode may be displayed wherein a plurality of sub-menu items corresponding to a particular main menu item may be selected by the user. Therefore, whenever the user selects a sub-menu item, the user also selects the main menu to which the sub-menu item is related. Therefore, one skilled in the art would appreciate that the user can switch between different menus items in the case where the pressing of the UP key is defined for a desired sub-menu associated with a first main menu, and the pressing of the UP_LONG key is assigned to a different sub-menu item associated with a different main menu.